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Jan. 28, 2003 Paula S. Linkhart  
Date Paula S. Linkhart

1638  
#6

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

PENNER, Greg A.  
BLEDIG, Stefan A.  
CONNER, Timothy W.  
CONCIBIDO, Vergel C.

Group Art Unit: 1638

Examiner:

Atty. Dkt. No.: 11898.0021.NPUS01  
(MOBS:021)

Serial No.: 10 / 071,272

Filed: February 8, 2002

For: Identification of Seeds or Plants Using  
Phenotypic Markers

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

In accordance with 37 C.F.R. § 1.97(e)(1), Applicants hereby certify that each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the present statement, as evidenced by the date of the enclosed search report.

The present Supplemental Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement. However, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/**11898.0021.NPUS01**.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



Patricia A. Kammerer

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Attorney for Assignee

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Date: January 28, 2003

Form PTO-1449 (modified)

Atty. Docket No.  
11898.0021.NPUS00Serial No.  
10 / 071,272

List of Patents and Publications for Applicant's

Applicant  
PENNER, Greg A., et al.SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT

(Use several sheets if necessary)

Filing Date:  
February 8, 2002Group:  
1638

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U.S. Patent Documents  
See Page 1Foreign Patent Documents  
See Page 1Other Art  
See Page 1

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## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1						
	A2						
	A3						
	A4						

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	WO 99/60129	11/25/99	WO	C12N	15/29	
	B2	WO 97/14807	4/24/97	WO	C12N	15/82	
	B3	WO 92/01366	2/6/92	WO	A01H	1/02	
	B4	WO 00/71993 A1	11/30/00	WO	G01N	21/27	

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Garcia, et al.; Pollen Control During Transgenic Hybrid Maize Development in Mexico, <i>Crop Science</i> 38(6): 1597-1602 (Nov 1998)
	C2	Selinger et al.; A Mutation in the Pale Aleurone Color1 Gene Identifies a Novel Regulator of the Maize Anthocyanin Pathway, <i>The Plant Cell</i> 11(1): 5-14 (Jan 1999)
	C3	Selinger et al.; The Maize Regulatory Gene <i>B-Peru</i> Contains a DNA Rearrangement That Specifies Tissue-Specific Expression Through Both Positive and Negative Promoter Elements, <i>Genetics</i> 149(2): 1125-1138 (June 1998)
	C4	Lewers et al.; Hybrid Soybean Seed Production: Comparison of Three Methods, <i>Crop Science</i> 36(6): 1560-1567 (1996)

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

